

REMARKS

Prior to the present Amendment, claims 1-3, 10, 20, 22, 24-25, 27, 29-30, 44, 46-47, 49, 51-52, and 61-62 were pending. Claims 27, 44, and 49 are canceled herein.

Claims 10, 29, and 51 have been amended to recite that substituent B represents an aromatic ring that is optionally substituted with 1-5 substituent(s) selected from: (1) alkenyl optionally with a substituent(s), (2) alkynyl optionally with a substituent(s), (3) carbocyclic ring optionally with a substituent(s), (4) heterocyclic ring optionally with a substituent(s), (5) hydroxyl optionally with a substituent(s), (6) thiol optionally with a substituent(s), (7) amino optionally with a substituent(s), (8) carbamoyl optionally with a substituent(s), (9) sulfamoyl optionally with a substituent(s), (10) carboxyl, (11) alkoxycarbonyl, (12) sulfo, (13) sulfino, (14) phosphono, (15) nitro, (16) cyano, (17) amidino, (18) imino, (19) -B(OH)₂, (20) halogen atom, (21) alkylsulfinyl, (22) aromatic ring sulfinyl, (23) alkylsulfonyl, (24) aromatic ring sulfonyl, (25) acyl, (26) oxo, (27) thioxo, and (28) (C1-6 alkoxyimino) methyl. Claims 30, 47, and 52 have been amended in a similar manner, except that substituents and R¹¹ and R¹² are further amended instead of substituent B. Support for these amendments can be found in canceled claims 27, 44, and 49 and in the paragraphs bridging pages 16 and 17 of the specification as filed.

No new matter is added. Entry is respectfully requested.

Preliminary Matters - Information Disclosure Statements

The Examiner initialed the references listed on the Forms PTO/SB/08 submitted with the Information Disclosure Statements (IDS) filed September 18, 2009 and January 5, 2010. However, the Examiner did not consider the following references: JP 2002-003370 (January 5, 2010 IDS) or DE 101 22 895, DE 100 57 754, and DE 100 57 751 (September 18, 2009 IDS) because the references were not submitted in English.

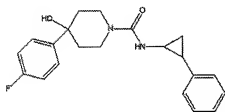
DE 101 22 895, DE 100 57 754, and DE 100 57 751 were cited in the August 14, 2009 European Search Report; JP 2002-003370 was cited in the July 23, 2009 Japanese Office Action. Applicants submitted English translations of the Search Report and Japanese Office Action that cited the references in the SB/08's of September 18, 2009 and January 5, 2010, respectively.

Pursuant to MPEP 609.04(c), submission of English language version of the Search Report and Office Action satisfies the requirement under 37 C.F.R. § 1.98(a) for a concise explanation of relevance for foreign language documents.

Accordingly, Applicants respectfully request that the Office consider JP 2002-003370, DE 101 22 895, DE 100 57 754, and DE 100 57 751.

Response to the Claim Objections

In the present Action, the Office expands examination under Markush practice to the following compound:



wherein A is



and R^1 is a substituent (i.e., carbocyclic ring optionally with substituent(s) (see Specification Page 16 for a definition of "substituent" of ring A)), R^2 is hydroxyl; R^3 is a substituent wherein. r represents 0; X is a single bond; Y is $-CO-$; Z is $-NH-$; and B is a cyclic group optionally with substituent(s).

The Office alleges that the above compound reads on claims 10 and 20, which are rejected under 102(b) over Arya et al (see below), leaving claims 22, 24-25, 27, 29-30, 44, 46-47, 49, and 51-52 objected to as depending from a rejected base claim.

In view of the present amendments to claims 10, 29, 30, 47, and 51-52, Applicants submit that the rejections over Arya have been overcome and thus, the objections to the claims are rendered moot.

Withdrawal of the objections to the claims is respectfully requested.

Response to Claim Rejections under 35 U.S.C. § 102(b)

At pages 4-5 of the Action, the Office rejects claims 10 and 20 as allegedly being anticipated by Arya et al (Indian Journal of Chemistry, Section B: Organic Chemistry Including Medicinal Chemistry 15B(7):635-64, 977) as evidenced by the STN Search Report (ACCESSION NUMBER 1978:74324).

The Office asserts that Arya discloses a compound at CAS RN 65535-75-3 that reads on the compound of present claims 10 and 20.

In response and without acquiescing to the merits of the rejection, Applicants have amended the compound of present claim 10 by reciting that the substituent B represents an aromatic ring optionally with 1-5 substituent(s) selected from: (1) alkenyl optionally with a substituent(s), (2) alkynyl optionally with a substituent(s), (3) carbocyclic ring optionally with a substituent(s), (4) heterocyclic ring optionally with a substituent(s), (5) hydroxyl optionally with a substituent(s), (6) thiol optionally with a substituent(s), (7) amino optionally with a substituent(s), (8) carbamoyl optionally with a substituent(s), (9) sulfamoyl optionally with a substituent(s), (10) carboxyl, (11) alkoxycarbonyl, (12) sulfo, (13) sulfinio, (14) phosphono, (15) nitro, (16) cyano, (17) amidino, (18) imino, (19) -B(OH)₂, (20) halogen atom, (21) alkylsulfinyl,

(22) aromatic ring sulfinyl, (23) alkylsulfonyl, (24) aromatic ring sulfonyl, (25) acyl, (26) oxo, (27) thioxo, and (28) (C1-6 alkoxyimino) methyl.

In the Arya compound, B is a cyclic group with substituents, but is not aromatic and thus does not read on present claim 10. Thus, Arya cannot be said to anticipate the present claims. Withdrawal of the rejection over Arya is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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